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# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF INSECTICIDE ACT JUDGMENT NO. 10.

(Given pursuant to section 4 of the Insecticide Act of 1910.)

### MISBRANDING OF "DR. LEGEAR'S DIP AND DISINFECTANT."

On July 6, 1912, the United States Attorney for the Eastern District of Missouri, acting upon the report of the Secretary of Agriculture, filed an information in the District Court of the United States for said district against Dr. L. D. LeGear Medicine Co., of St. Louis, Mo., a corporation, alleging the shipment and delivery for shipment on June 5, 1911, from the State of Missouri into the State of Illinois, of a quantity of insecticide which was misbranded within the meaning of the Insecticide Act of 1910. The article was labeled or branded: "Dr. LeGear's Dip and Disinfectant, \* \* \* Guaranteed by Dr. L. D. LeGear Medicine Co. Under the Insecticide Act of 1910. Guarantee No. 120 \* \* \* Dr. L. D. LeGear Co., St. Louis, Mo., U. S. A."

Analysis of specimens of the article in the United States Department of Agriculture showed that it consisted partially of an inert substance, namely, water, which does not prevent, destroy, repel, or mitigate insects or fungi. Misbranding of the article was alleged in the information in that it consisted partially of an inert substance, namely, water, which does not prevent, destroy, repel, or mitigate insects or fungi, and the name and percentage amount of said inert ingredient was not stated on the labels on the cans containing the article, nor were the names and percentage amounts of each and every ingredient of the insecticide having insecticidal or fungicidal properties and the total percentage of said inert ingredient stated on the said labels.

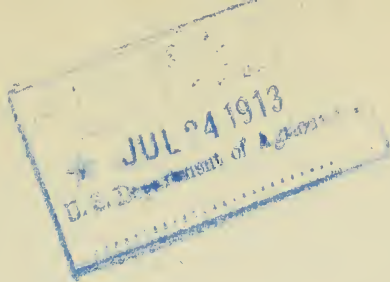
The case coming on for trial on September 18, 1912, Dr. L. D. LeGear Medicine Co. entered an appearance and filed a plea of guilty and the court imposed a fine of \$10 and costs.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 16, 1913.*





I. & F. No. 8.  
Domestic No. 403.

Issued February 28, 1913.

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF INSECTICIDE ACT JUDGMENT NO. 11.

(Given pursuant to section 4 of the Insecticide Act of 1910.)

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#### ADULTERATION AND MISBRANDING OF ARSENATE OF LEAD.

On July 19, 1912, the United States Attorney for the Western District of Missouri, acting upon the report of the Secretary of Agriculture, filed an information in the District Court of the United States for said district against Devoe & Reynolds Co., Kansas City, Mo., a corporation, alleging the shipment and delivery for shipment on June 1, 1911, from the State of Missouri into the State of Kansas, of a quantity of arsenate of lead which was adulterated and misbranded within the meaning of the Insecticide Act of 1910. The article in question was packed in jars each labeled or branded: "Arsenate of Lead Paste Form. 5 pounds, Made by Devoe & Reynolds Co., Chicago, New York, Kansas City. \* \* \* Analysis: Arsenic oxid 15.0 %, Lead oxide 31.0 %; Soluble salts 4.0 %; Water 50.0 % Guaranteed in paste form to contain not more than 50.0 % of water. \* \* \* Lead Arsenate Paste Form, 5 lbs."

Analysis of specimens of the article in the United States Department of Agriculture showed that it contained more than 50 per cent of water; that it contained arsenic in water-soluble forms equivalent to more than 0.75 per cent of arsenic oxid ( $\text{As}_2\text{O}_5$ ); that other substances, namely, soluble salts, had been mixed and packed with it so as to reduce, lower, and injuriously affect the quality and strength thereof; that it contained less than 15 per cent of arsenic oxid; that it contained less than 31 per cent of lead oxid; and that it contained more than 4 per cent of soluble salts. Adulteration of the article was alleged in the information: (1) In that it contained more than 50 per cent of water, whereas the label upon the jars did not state that they contained lead arsenate and water, and the percentage of water over 50 per cent was not stated; (2) in that it contained arsenic

in water-soluble forms equivalent to more than 0.75 per cent of arsenic oxid ( $\text{As}_2\text{O}_5$ ); and (3) in that other substances, to wit, soluble salts, had been mixed and packed with it so as to reduce, lower, and injuriously affect the quality and strength thereof. Misbranding of the article was alleged in the information in that the labels upon the jars bore statements regarding the article and the ingredients thereof which were false and misleading in the following particulars: (1) That the article contained 15 per cent of arsenic oxid, whereas in truth and in fact it contained a less amount of arsenic oxid; (2) that the article contained 31 per cent of lead oxid, whereas in truth and in fact it contained a much less amount of lead oxid; (3) that the article contained not more than 50 per cent of water, whereas in truth and in fact it contained a greater percentage of water; and (4) that the article contained 4 per cent of soluble salts, whereas in truth and in fact it contained a greater amount of soluble salts.

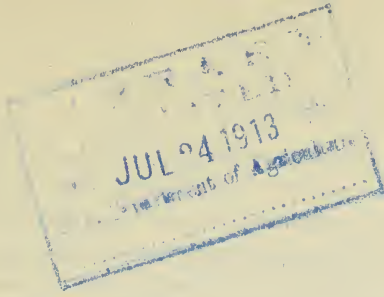
The case coming on for trial on November 4, 1912, Devoe & Reynolds Co. entered an appearance and filed a plea of guilty, whereupon the court imposed a fine of \$25 and costs.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 16, 1913.*





I. & F. No. 51.  
Domestic No. 1856.

Issued February 28, 1913.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF INSECTICIDE ACT JUDGMENT NO. 12.

(Given pursuant to section 4 of the Insecticide Act of 1910.)

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### MISBRANDING OF "KRY SOL COMP."

At a stated term of the District Court of the United States for the Eastern District of New York, begun and held in New York, N. Y., on September 16, 1912, the grand jurors of the United States within and for said district, acting upon the report of the Secretary of Agriculture, returned an indictment against Jules Blan, doing business under the name and style of Metropolitan Chemical Specialty Co., at Port Richmond, N. Y., alleging the shipment and delivery for shipment from the State of New York into the State of New Jersey of a quantity of an insecticide which was misbranded within the meaning of the Insecticide Act of 1910. The article in question was labeled or branded: "Krysol Comp. The Ideal Disinfectant. The greatest preventative against disease and infection. The most potent preparation ever compounded. Recommended and approved by hospital authorities and physicians all over the world. (Device of a Greek cross in red, with the words: 'Red Cross Disinfectant. Registered') \* \* \* Manufactured by Metropolitan Chemical Specialty Co. Port Richmond, N. Y. \* \* \*"

Analysis and tests of specimens of the article in the United States Department of Agriculture showed that it was not "the greatest preventative against disease and infection," and was not "the most potent preparation ever compounded," and that the article consisted partially of an inert substance, namely, water, which does not prevent, destroy, repel, or mitigate insects or fungi. Misbranding of the article was charged in the indictment in that the labels thereon bore statements, designs, and devices regarding the article and the ingredients and substances contained therein which were false and

misleading, to wit, "The greatest preventative against disease and infection" and "The most potent preparation ever compounded," whereas the article is not the greatest preventive against disease and infection, and is not the most potent preparation ever compounded; in that the labels bore a design of a Greek cross in red, with the words "Red Cross Disinfectant, Registered," which design and words were intended to convey the impression that the article is so designated with the consent and by the authority of the American National Association of the Red Cross, whereas it had not been so designated with the consent and by the authority of the American National Association of the Red Cross; and in that the article consisted partially of an inert substance, namely, water, which does not prevent, destroy, repel, or mitigate insects or fungi, and the name and percentage amount of said inert ingredient were not stated on the label.

The case coming on for trial on October 4, 1912, the defendant appeared and entered a plea of guilty to the indictment, whereupon the court imposed a fine of \$10 on one count and suspended sentence on the two remaining counts.

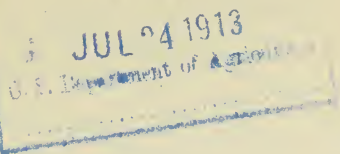
W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 16, 1913.*





Issued February 28, 1913.



# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF INSECTICIDE ACT JUDGMENT NO. 13.

(Given pursuant to section 4 of the Insecticide Act of 1910.)

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### MISBRANDING OF "PHENO-CHLORO."

On October 2, 1912, the United States Attorney for the District of Minnesota, acting upon the report of the Secretary of Agriculture, filed an information in the District Court of the United States for said district against the International Stock Food Co., Minneapolis, Minn., a corporation, alleging the shipment and delivery for shipment on June 21, 1911, from the State of Minnesota into the State of Tennessee of a quantity of an insecticide which was misbranded within the meaning of the Insecticide Act of 1910. The article in question was labeled or branded: "International Pheno-Chloro. Greatest known Disinfectant, Antiseptic and Germicide, Prepared only by the International Stock Food Company, Minneapolis, Minn. \* \* \*"

Analysis of specimens of the article in the United States Department of Agriculture showed that it consisted partially of an inert substance, namely, water, which does not prevent, destroy, repel, or mitigate insects or fungi. Misbranding of the article was alleged in the information in that it consisted partially of an inert substance, to wit, water, which does not prevent, destroy, repel, or mitigate insects or fungi, and the labels on the bottles did not state plainly and correctly the name and percentage amount of said inert ingredient, nor in lieu thereof did said labels state plainly and correctly the names and percentage amounts of the ingredients having insecticidal or fungicidal properties and the total percentage of inert ingredients present.

The case coming on for trial on October 2, 1912, the International Stock Food Co. entered appearance and filed a plea of guilty, and on the same day the court imposed a fine of \$5.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 16, 1913.*



Issued February 28, 1913.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF INSECTICIDE ACT JUDGMENT NO. 14.

(Given pursuant to section 4 of the Insecticide Act of 1910.)

### MISBRANDING OF "LION BRAND BORDEAUX MIXTURE."

On September 7, 1912, the United States Attorney for the District of Columbia, acting upon the report of the Secretary of Agriculture, filed in the District Court of the United States for said District a libel praying condemnation and forfeiture of 15 cans, more or less, of Bordeaux mixture, found in the possession of C. M. Woolf & Co., Washington, D. C. The labels on the cans containing the article bore the following statements: "One Gallon Lion Brand Bordeaux Mixture. Manufactured by The James A. Blanchard Co., New York, N. Y. and St. Joseph, Mich. Put up under United States Letters Patent. James A. Blanchard, Patentee. Directions. This can contains One Gallon of the mixture, \* \* \* Guaranteed under the Insecticide Act of 1910, by The James A. Blanchard Co., New York, N. Y. and St. Joseph, Mich."

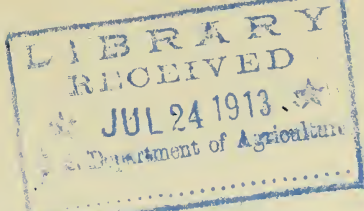
Examination of specimens of the article in the United States Department of Agriculture showed that the cans contained less than one gallon of the article. The libel alleged that the article had been transported from the State of New York into the District of Columbia, remained unsold in the original unbroken packages, and was being offered for sale and was intended to be sold in said District, and that the article was misbranded within the meaning of the Insecticide Act of 1910 in that the cans did not contain one gallon full measure, and the contents of said cans as stated in terms of measure were not plainly and correctly stated on the outside of said cans.

On November 21, 1912, no appearance having been entered and no answer filed, a decree was entered adjudging the article misbranded as alleged in the libel, and condemning the goods to be disposed of by sale or destruction under such terms and conditions as would not violate the provisions of the Insecticide Act of 1910.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 16, 1913.*





Issued February 28, 1913.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF INSECTICIDE ACT JUDGMENT NO. 15.

(Given pursuant to section 4 of the Insecticide Act of 1910.)

### MISBRANDING OF "LEE'S INSECT DESTROYER."

On October 18, 1912, the United States Attorney for the Western District of New York, acting upon the report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of one carton containing nine packages of an insecticide found on the premises of F. J. Trimmal, Rochester, N. Y. The packages of the article were labeled or branded as follows: "Lee's Insect Destroyer (A Powder) Destroys insects on poultry and stock (Price 25 cents) 1½ lbs. net. Contains Fuller's Earth less than 10%. Manufactured by Geo. H. Lee, Omaha, Neb., Los Angeles, Cal. Guaranteed by Geo. H. Lee Co. under the Insecticide Act of 1910. Serial No. 314."

Examination of specimens of the article in the United States Department of Agriculture showed that the packages contained less than 1½ pounds net weight. The libel alleged that the article, after transportation from the State of Nebraska into the State of New York, remained in the original unbroken packages and was misbranded in that it was in package form and the contents were stated in terms of weight, to wit, "1½ lbs. net," whereas in truth and in fact the weight was not correctly stated for the reason that in each package of said article there was an average shortage of 2½ ounces, and was further labeled and branded so as to deceive and mislead the purchaser.

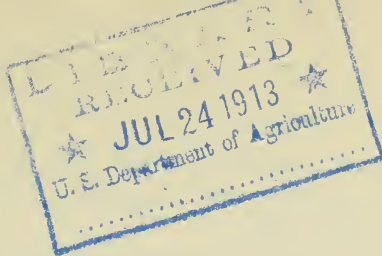
On November 23, 1912, no appearance having been entered, a decree was entered adjudging the article misbranded as alleged in the libel, and condemning the goods to be destroyed, with costs against F. J. Trimmal in the sum of \$30.45.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 16, 1913.*







I. & F. No. 67.  
Domestic No. 1416.

Issued February 28, 1913.

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF INSECTICIDE ACT JUDGMENT NO. 16.

(Given pursuant to section 4 of the Insecticide Act of 1910.)

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#### MISBRANDING OF "PHENOL SODIQUE."

On December 12, 1912, the United States Attorney for the Western District of Pennsylvania, acting upon the report of the Secretary of Agriculture, filed an information in the District Court of the United States for said district against Edward H. Hance and Anthony M. Hance, trading as Hance Bros. & White, at Philadelphia, Pa., alleging the shipment and delivery for shipment from the State of Pennsylvania into the District of Columbia of a quantity of an insecticide which was misbranded within the meaning of the Insecticide Act of 1910. The bottle containing the article was labeled or branded as follows: "Phenol Sodique. Hemostatic, Antiseptic, and Disinfectant. \* \* \* Proprietors, Hance Brothers & White, Manufacturing Chemists, Philadelphia. \* \* \* Phenol Sodique is sold by all leading druggists in one and eight ounce bottles. \* \* \*"

Examination and analysis of specimens of the article in the United States Department of Agriculture showed that the bottles, purporting to contain 8 ounces of the article, in truth and in fact contained less than 8 ounces, and that the article consisted partially of an inert substance, namely, water, which does not prevent, destroy, repel, or mitigate insects or fungi. Misbranding of the article was alleged in the information (1) in that it was labeled and branded so as to deceive and mislead the purchaser, in this, that the bottle was labeled and branded so as to represent to the purchaser that it contained 8 liquid ounces, whereas in truth and in fact it contained a considerable portion less than 8 liquid ounces; and (2) in that the article consisted partially of an inert substance, to wit, water, which does not prevent, destroy, repel, or mitigate insects or fungi, and did not have the name and percentage amount of said inert ingredient, nor the

names and percentage amounts of each and every ingredient having insecticidal properties and the total percentage of the inert ingredients present stated on the label.

The case coming on for trial on December 12, 1912, the defendants entered appearance and filed a plea of guilty, whereupon the court imposed a fine of \$25.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 16, 1913.*



# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF INSECTICIDE ACT JUDGMENT NO. 17.

(Given pursuant to section 4 of the Insecticide Act of 1910.)

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**U. S. v. The Rat Biscuit Co. Plea of guilty. Fine, \$25 and costs.**

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### MISBRANDING OF "RAT BIS-KIT PASTE."

On October 19, 1912, the United States Attorney for the Southern District of Ohio, acting upon the report of the Secretary of Agriculture, filed information in the District Court of the United States for said district against The Rat Biscuit Co., Springfield, Ohio, a corporation, alleging the shipment and delivery for shipment, on June 9, 1911, from the State of Ohio into the State of New Jersey, of a quantity of an insecticide labeled or branded in part: "Rat Bis-Kit Paste. The Poison in the Tube. A guaranteed exterminator of rats, mice, cockroaches, \* \* \*. Made by the Rat Biscuit Co., Springfield, Ohio. Price 25 cents. \* \* \* Sure Death for roaches, \* \* \*. For Roaches, \* \* \*. Apply the 'Paste' in small quantities and many places in the cracks and crevices frequented by such vermin."

Tests of the article in the United States Department of Agriculture showed it to be ineffective for the extermination of roaches, when used in the presence of other available food; and analysis of the article in the United States Department of Agriculture showed the article to consist partially of inert substances, namely, substances other than phosphorus, which do not prevent, destroy, repel, or mitigate insects. Misbranding of the insecticide was alleged in the information (1) in that the label on said insecticide bore statements regarding the article and the ingredients and substances contained therein, which said statements, to wit, "A guaranteed exterminator of

\* \* \* cockroaches \* \* \* Sure Death for roaches \* \* \*” and “For Roaches \* \* \*,” were false, misleading, and deceptive in that said statements purported and represented said insecticide to be effective for the extermination of roaches, whereas, in truth and in fact, the said insecticide was not effective for said purpose, when used in the presence of other available food; and (2) in that said insecticide consisted partially of inert substances which do not prevent, destroy, repel, or mitigate insects, and did not have the names and percentage amounts of each and every one of such inert ingredients, nor the names and percentage amounts of each and every ingredient stated on the label thereof.<sup>1</sup>

The cause coming on for hearing on October 25, 1912, The Rat Biscuit Co. appeared and entered a plea of guilty to the information, whereupon the court imposed a fine of \$25 and costs.

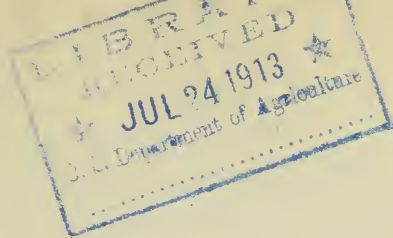
B. T. GALLOWAY,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *December 19, 1913.*

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<sup>1</sup>As respects inert ingredients the Insecticide Act of 1910 requires that there must appear on the label either the name and percentage amount of each inert ingredient or the name and percentage amount of each active ingredient, together with the total percentage of inert ingredients.



I. & F. No. 44.  
Dom. No. 1101.

Issued July 18, 1913.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF INSECTICIDE ACT JUDGMENT NO. 18.

(Given pursuant to section 4 of the Insecticide Act of 1910.)

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### ADULTERATION AND MISBRANDING OF ARSENATE OF LEAD.

On November 14, 1912, the United States Attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Sherwin-Williams Co., Cleveland, Ohio, a corporation, alleging the shipment and delivery for shipment on April 1, 1911, from the State of Illinois into the State of Michigan, of a quantity of lead arsenate which was adulterated within the meaning of the Insecticide Act of 1910. The article in question was labeled or branded: "5 pounds Net Weight New Process Arsenate of Lead \* \* \* Guaranteed to contain not less than  $12\frac{1}{2}$  per cent. Arsenic Oxide. Not more than  $\frac{1}{2}$  of 1 per cent. water soluble Arsenic. Sold for Insecticide Purposes. The Sherwin-Williams Co. Factories: Cleveland, Chicago, Newark, Montreal, London, Eng. Sales offices and warehouses in principal cities. \* \* \*."

Analysis of specimens of the article in the United States Department of Agriculture showed that it contained arsenic in water-soluble forms equivalent to more than 0.75 per cent of arsenic oxid ( $\text{As}_2\text{O}_5$ ), and that the article contained lead arsenite. Adulteration of the article was alleged in the information (1) in that the article contained arsenic in water-soluble forms equivalent to more than 0.75 per cent of arsenic oxid ( $\text{As}_2\text{O}_5$ ); and (2) in that a substance, namely, lead arsenite, had been mixed and packed with the article so as to reduce, lower, or injuriously affect its quality or strength. Misbranding of the article was alleged in the information (1) in that it was labeled or branded so as to deceive or mislead the purchaser and (2) in that it was an imitation or offered for sale under the name of



another article, in this, that the label on the article bore the words "New Process Arsenate of Lead," whereas in truth and in fact it consisted of arsenate of lead and arsenite of lead; and (3) in that the article was labeled or branded so as to deceive or mislead the purchaser, in this, that the label on the article bore the statement "Guaranteed to contain \* \* \* not more than  $\frac{1}{2}$  of 1 per cent. water-soluble Arsenic," whereas in truth and in fact it contained more than one-half of 1 per cent of water-soluble arsenic.

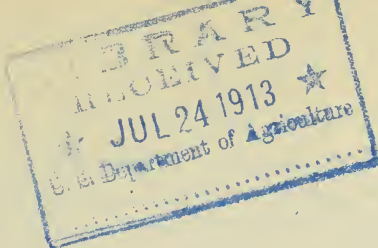
The cause coming on for trial on December 4, 1912, the Sherwin-Williams Co. appeared and entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

W. L. MOORE,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *April 1, 1913.*







I. & F. Nos. 9, 16, and 22.  
Dom. Nos. 605, 662, and 2905.

Issued July 18, 1913.

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF INSECTICIDE ACT JUDGMENT NO. 19.

(Given pursuant to section 4 of the Insecticide Act of 1910.)

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#### MISBRANDING OF "CONKEY'S DIP AND DISINFECTANT"; MISBRANDING OF CONKEY'S "NOX-I-CIDE"; MISBRANDING OF CONKEY'S "FLY KNOCKER."

On July 13, 1912, the United States Attorney for the Northern District of Ohio, acting upon reports by the Secretary of Agriculture, filed information in the District Court of the United States for said district against the G. E. Conkey Co., Cleveland, Ohio, a corporation, alleging the shipment and delivery for shipment of quantities of certain insecticides which were misbranded, as follows:

(1) On March 8, 1911, from the State of Ohio into the State of California of a quantity of an insecticide labeled and branded: "Conkey's Dip and Disinfectant. A sample of this product has been submitted to the Department of Agriculture for examination. We guarantee the contents of this package to be of the same composition as the sample submitted to the Department, and that when diluted according to the directions printed hereon for the treatment of sheep scab, it will give a dipping fluid of the composition required of a coal tar creosote dip, by the regulations of the Secretary of Agriculture, governing sheep scab. For official dipping, use 1 part dip to 67 of water;" (2) on April 19, 1911, from the State of Ohio into the State of Washington, of a quantity of an insecticide labeled and branded: "Conkey's Nox-I-Cide. A soluble disinfectant, deodorant, and germ destroyer. Heals wounds on man and beast. \* \* \* The G. E. Conkey Co., Cleveland, Ohio, U. S. A."; and (3) on June 27, 1911, from the State of Ohio into the State of Illinois, of a quantity of an insecticide labeled and branded: "Conkey's Fly Knocker for cattle and horses. The G. E. Conkey Co., Cleveland, Ohio, U. S. A. Prices Conkey's Fly Knocker: 1 gallon—\$1.00; ½ gallon—\$.60; 1 qt.—\$.35."

Misbranding of the article called "Conkey's Dip and Disinfectant" was alleged in the information (1) in that the brand and label upon the article was false and misleading in that it would lead a purchaser to believe that a sample of the product had been submitted to the Department of Agriculture for examination, whereas in truth and in fact a sample of the product had not been submitted to the Department of Agriculture for examination; (2) in that the brand and label upon the article was false and misleading in that it would lead a purchaser to believe that the product had been approved by the Department of Agriculture, to be used as a dipping fluid, of the composition required of a coal tar creosote dip, by the regulations of the Secretary of Agriculture governing sheep scab, whereas in truth and in fact the product had not been so approved; (3) in that the brand and label upon the article was false and misleading in that it would lead a purchaser to believe that the proportion of the dilution of the product, printed in the directions on the label as necessary to give a dipping fluid of the composition of a coal tar creosote dip required by the regulations of the Secretary of Agriculture governing sheep scab, was one part of the product to 67 parts of water, whereas in truth and in fact the proportion of the dilution of the product necessary for that purpose would be one part of the product to 53 parts of water; and (4) in that the article consisted partially of an inert substance, namely water, which does not prevent, destroy, repel, or mitigate insects or fungi, and the name and percentage amount of said inert ingredient was not stated on the label nor were the names and percentage amounts of each and every ingredient of the product having insecticidal or fungicidal properties, and the total percentage of the inert ingredients present, stated on the label.

Misbranding of the article called "Conkey's Nox-I-Cide" was alleged in the information in that the article consisted partially of an inert substance, namely water, which does not prevent, destroy, repel, or mitigate insects or fungi, and the name and percentage amount of said inert ingredient was not stated on the label, nor were the names and percentage amounts of each and every ingredient of the product having insecticidal or fungicidal properties, and the total percentage of the inert ingredients present, stated on the label.

Misbranding of the article called "Conkey's Fly Knocker" was alleged in the information in that the label upon the article bore the statement that the package contained one quart of the same, whereas in truth and in fact the package did not contain one quart, but contained a quantity of said article less than one quart.

It was further represented in the information that the offense described in the second count thereof was a second offense against the

provisions of the Insecticide Act of 1910 and was committed subsequently to the offense described in the first count; and that the offense described in the third count of the information was committed subsequently to the offenses described in the first and second counts thereof.

The cause coming on for trial on December 13, 1912, the G. E. Conkey Co. entered a plea of guilty and the court imposed a fine of \$25 and costs.

WILLIS L. MOORE,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *April 1, 1913.*



Issued February 5, 1914.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF INSECTICIDE ACT JUDGMENT NO. 20.

(Given pursuant to section 4 of the Insecticide Act of 1910.)

**U. S. v. G. E. Conkey Co. Plea of guilty. Fine, \$10 and costs.**

### MISBRANDING OF "CONKEY'S LICE LIQUID;" MISBRANDING OF "CONKEY'S BUG AND MOTH KILLER."

On November 14, 1912, the United States Attorney for the Northern District of Ohio, acting upon reports by the Secretary of Agriculture, filed information in two counts in the District Court of the United States for said district against the G. E. Conkey Co., Cleveland, Ohio, a corporation, alleging the shipment and delivery for shipment of quantities of certain insecticides which were misbranded, as follows: (1) On April 19, 1911, from the State of Ohio into the State of Washington, of a quantity of an insecticide labeled and branded: "Conkey's Lice Liquid 2 Qts. Price 60 cts. \* \* \* The G. E. Conkey Co., Manufacturers, Cleveland, O., U. S. A."; and (2) on March 6, 1911, from the State of Ohio into the State of California, of a quantity of an insecticide labeled and branded: "Conkey's Bug and Moth Killer. Death to Bed Bugs, Moths, Roaches, Water Bugs, Fleas, and all Noxious Insect Life. \* \* \* Price 75 cents. The G. E. Conkey Company, Manufacturing Chemists, Cleveland, Ohio, U. S. A. \* \* \* Prices 7 ounces, 25 c. 1 pint, 50 c. 1 quart, 75 c. ½ gallon, \$1.25, 1 gallon, \$2.00, 5 gallons, \$9.50. The G. E. Conkey Company, Manufacturing Chemists, Cleveland, Ohio, U. S. A. \* \* \*"

Examination and analysis of specimens of the article called "Conkey's Lice Liquid" showed that the packages contained less than 2 quarts of the product, and that the article consisted partially of an inert substance, namely, water, which does not prevent, destroy, repel, or mitigate insects. Misbranding of the article was alleged in



the information (1) in that it was labeled or branded so as to deceive and mislead the purchaser; (2) in that it was in package form, and the contents were stated in terms of measure, but they were not correctly stated on the outside of the package; and (3) in that the article consisted partially of an inert substance which does not prevent, destroy, repel, or mitigate insects or fungi, and neither the name and the percentage amount of said inert ingredient, nor the names and percentage amounts of each and every ingredient of the insecticide having insecticidal properties, were stated on the label.<sup>1</sup>

Examination of specimens of the article called "Conkey's Bug and Moth Killer" showed that the packages purporting to contain 1 quart in fact contained less than 1 quart of the product. Misbranding of the article was alleged in the information (1) in that it was labeled or branded so as to deceive and mislead the purchaser, and (2) in that the article was in package form, and the contents were stated in terms of measure, but they were not correctly stated on the outside of the package.

The cause coming on for trial on December 13, 1912, the G. E. Conkey Co. appeared and entered a plea of guilty to the information and the court imposed a fine of \$10 and costs.

B. T. GALLOWAY,

*Acting Secretary of Agriculture.*

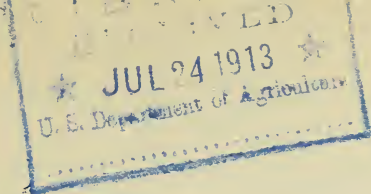
WASHINGTON, D. C., *December 19, 1913.*

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<sup>1</sup> As respects inert substances the Insecticide Act of 1910 requires that there must appear on the label either the name and percentage amount of each inert ingredient or the name and percentage amount of each active ingredient, together with the total percentage of the inert ingredients.



I. & F. No. 91.  
Dom. No. 7331.  
S. No. 6.



Issued July 18, 1913.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF INSECTICIDE ACT JUDGMENT NO. 21.

(Given pursuant to section 4 of the Insecticide Act of 1910.)

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### MISBRANDING OF "ZENOLEUM."

On December 10, 1912, the United States Attorney for the District of Massachusetts, acting upon the report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of seven cases of an insecticide called "Zenoleum" at Boston, Mass.

Examination of specimens of the article in the United States Department of Agriculture showed that the article consisted partially of water, an inert substance which does not prevent, destroy, repel, or mitigate insects or fungi. The libel alleged that the article had been shipped by the Zenner Disinfectant Co. and transported from Detroit, in the State of Michigan, to Boston, in the State of Massachusetts, and there remained in original and unbroken packages, and that it was misbranded within the meaning of the Insecticide Act of 1910 in that it consisted in part of an inert substance, to wit, water, and said inert substance would not prevent, destroy, repel, or mitigate insects and fungi, and said packages containing said insecticide and the label thereof did not have thereon the name and percentage amount of said inert ingredient, and did not state thereon the correct names and percentage amounts of each and every ingredient of said insecticide having insecticidal properties and the total percentage of said inert ingredient present.

On January 4, 1913, no appearance having been entered and no answer filed, a default was entered, a decree of forfeiture and destruction of the goods was entered, and a warrant for their destruction was issued.

W. L. MOORE,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., April 1, 1913.

95414°—No. 21—13





I. & F. No. 88.  
Dom. No. 7185.  
S. No. 5.

Issued July 18, 1913.

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF INSECTICIDE ACT JUDGMENT NO. 22.

(Given pursuant to section 4 of the Insecticide Act of 1910.)

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#### MISBRANDING OF "KIBLER'S STRICTLY PURE PARIS GREEN."

On November 19, 1912, the United States Attorney for the District of Louisiana, acting upon the report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of thirty dozen cans of Paris green found in the possession of I. L. Lyons & Co., New Orleans, La. Each of said cans containing the article was labeled or branded in part: "Half Pound Net Weight Kibler's Strictly Pure Paris Green \* \* \* Manufactured by Kibler Chemical Co., Indianapolis, Ind. \* \* \*."

Examination of specimens of the article in the United States Department of Agriculture showed that the cans contained less than one-half pound of the article. It was alleged in the libel that the article had been shipped by the Kibler Chemical Co., and transported from the State of Indiana into the State of Louisiana, and remained in the original unbroken packages, and that it was misbranded within the meaning of the Insecticide Act of 1910, (1) in that it was labeled or branded in such a manner as to deceive or mislead the purchaser into believing that each package contained one-half pound, net weight, of Paris green, whereas in truth and in fact it did not contain one-half pound; and (2) in that the article was in package form and the contents of the packages were stated in terms of weight, but they were not correctly stated on the outside of the package.

The cause coming on to be heard on January 12, 1913, an answer was filed by the claimants, admitting the allegations of the libel and

consenting to a decree of condemnation, and on January 14, 1913, a decree was entered accordingly, directing that the Paris green be released to the claimants upon the execution and delivery of a good and sufficient bond in the sum fixed by the court, on the condition that the said Paris green should not be sold or otherwise disposed of contrary to the provisions of the Insecticide Act of 1910 or the laws of any State, Territory, District, or insular possession of the United States.

W. L. MOORE,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *April 1, 1913.*





Issued July 18, 1913.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF INSECTICIDE ACT JUDGMENT NO. 23.

(Given pursuant to section 4 of the Insecticide Act of 1910.)

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### MISBRANDING OF "EXTRA REFINED CAMPHORATED FLAKE COMPOUND."

On November 4, 1912, the United States Attorney for the Southern District of New York, acting upon the report of the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Lewy Chemical Co., New York, N. Y., a corporation, alleging the shipment and delivery for shipment on April 5, 1911, from the State of New York into the State of Illinois, of a quantity of an insecticide labeled as follows: "Extra Refined Camphorated Flake Compound—Destroys Moths and Insects—The Lewy Chemical Co. 51 W. 3rd St., New York. A positive preventive against moths and other insects in Furniture, Clothing, Woolens, Furs, Carpets, Upholstery, Feathers, Etc., and all fabrics. The flakes will not stain or injure the finest fabrics or the most delicate colors and can be easily shaken off. Directions: After cleaning and brushing the articles for packing or storing sprinkle the Camphor over. Always expose the garments to the air before using them again. Camphorated Flake Compound."

Analysis and examination of the article in the United States Department of Agriculture showed that it did not contain camphor but consisted of naphthalene, and that it does not destroy moths and insects but only repels them. Misbranding of the article was alleged in that the label regarding said article and the ingredients and substances contained therein was false and misleading, and the article was labeled or branded so as to deceive or mislead the purchaser, in that said label indicated that said article consisted of camphor, whereas in truth and in fact it did not contain camphor but naphthalene; and in that said label indicated that the insecticide when used according to directions given thereon would destroy moths and insects, whereas in truth and in fact the said insecticide when

used in accordance with the directions given thereon would not destroy moths or insects.

The case coming on for trial on February 13, 1913, the Lewy Chemical Co. appeared and entered a plea of guilty to the information and the court imposed a fine of \$25.

W. L. MOORE,

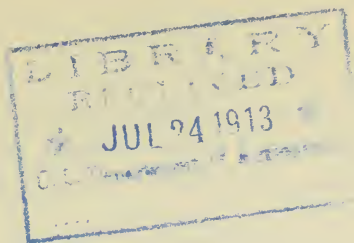
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *April 1, 1913.*

23







I. & F. No. 15.  
Dom. No. 5454.

Issued July 18, 1913.

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF INSECTICIDE ACT JUDGMENT NO. 24.

(Given pursuant to section 4 of the Insecticide Act of 1910.)

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#### MISBRANDING OF "EXTRA REFINED CHINESE TA NA CAMPHOR COMPOUND".

On November 4, 1912, the United States Attorney for the Southern District of New York, acting upon the report of the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Lewy Chemical Co., New York, N. Y., alleging the shipment and delivery for shipment on April 5, 1911, from the State of New York into the State of Illinois, of a quantity of an insecticide labeled as follows: "Extra Refined Chinese Ta Na Camphor Compound. Chinese Ta Na Camphor, 20 Tablets 1 lb. The Lewy Chemical Co., 51 West 3d Street, N. Y. This camphor cannot be used for medicinal purposes. Directions. After brushing and cleaning the articles for preservation put the Camphor into them. Closets, Wardrobes, Chests, Trunks and Storerooms can be kept clear of Moths and Insects with this Camphor."

Analysis and examination of the article in the United States Department of Agriculture showed it to be neither camphor nor a camphor compound, but to consist of naphthalene; and that the package contained less than one pound of the article. Misbranding of the article was alleged in that the label regarding said article and the ingredients and substances contained therein was false and misleading, and the article was labeled or branded so as to deceive or mislead the purchaser, in that said label indicated that said article was camphor or a camphor compound, and that the article was manufactured or produced in China, whereas in truth and in fact the said article was not camphor or a camphor compound and was

not manufactured or produced in China, but the article was naphthalene; and in that the label stated that the article weighed one pound, whereas in truth and in fact the said article weighed less than one pound.

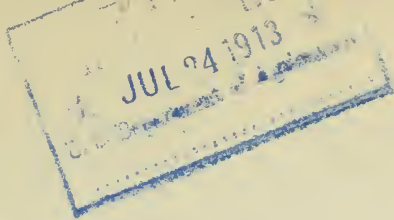
The case coming on for trial on February 13, 1913, the Lewy Chemical Co. appeared and entered a plea of guilty to the information and the court suspended sentence.

W. L. MOORE,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *April 1, 1913.*





I. & F. No. 24.  
Dom. No. 5456.

Issued July 18, 1913.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF INSECTICIDE ACT JUDGMENT NO. 25.

(Given pursuant to section 4 of the Insecticide Act of 1910.)

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### ADULTERATION AND MISBRANDING OF "CEDAR OF LEBANON AND CAMPHOR."

At the November term, 1912, of the District Court of the United States for the Southern District of New York, the United States Attorney for said district, acting upon the report of the Secretary of Agriculture, filed information in the said court against the Lewy Chemical Co., New York, N. Y., alleging the shipment and delivery for shipment on April 7, 1911, from the State of New York into the State of Illinois of a quantity of an insecticide labeled as follows: "Cedar of Lebanon and Camphor For the Prevention of Moths. Lewy Chemical Co., 51 West 3d Street, New York, Cedar of Lebanon and Camphor—After cleaning the articles for preservation, sprinkle the Cedar of Lebanon freely upon Carpets, Rugs, Furs, etc. Cedar Wood is one of the best known preventives of Moths. It has been used for centuries with absolute safety, and the combination of Pure Cedar with Gum Camphor makes it most suitable for the preservation of articles subject to destruction by Moths and Insects."

Analysis of the article in the United States Department of Agriculture showed that it did not contain camphor but consisted wholly of chips of cedar. Adulteration of the article was alleged (1) in that its strength and purity fell below the professed standard and quality under which it was sold—a combination of pure cedar and gum camphor—whereas it did not contain camphor but consisted wholly of chips of cedar; and (2) in that there was substituted for the genuine article—a combination of pure cedar and gum camphor—another article, to wit, chips of cedar wood. Misbranding was alleged in that

the label regarding said article and the ingredients and substances contained therein was false and misleading, and the article was labeled or branded so as to deceive or mislead the purchaser, in that said label indicated that said article consisted of cedar of Lebanon and camphor, whereas in truth and in fact the said article did not contain true cedar of Lebanon or gum camphor, but the article consisted wholly of chips of wood of the common red cedar.

The case coming on for trial on February 13, 1913, the Lewy Chemical Co. appeared and entered a plea of guilty to the information, and the court suspended sentence.

W. L. MOORE,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *April 1, 1913.*

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF INSECTICIDE ACT JUDGMENT NO. 26.

(Given pursuant to section 4 of the Insecticide Act of 1910.)

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### ADULTERATION AND MISBRANDING OF "WONDER FLY KILLER."

At the November term, 1912, of the District Court of the United States for the District of Indiana, begun and held at Indianapolis, Ind., the grand jurors of the United States within and for said district, acting upon the report of the Secretary of Agriculture, returned an indictment against the Watson Co., Peru, Ind., a corporation, alleging the shipment and delivery for shipment, on May 29, 1911, from Peru, in the State of Indiana, to Chicago, in the State of Illinois, of a quantity of an insecticide, known and designated as "Wonder Fly Killer," which was adulterated and misbranded within the meaning of the Insecticide Act of 1910. The article in question was labeled or branded as follows: "It never fails. Wonder Fly Killer. Keep Wet. Manufactured by The Watson Company, Peru, Ind. Contains Metallic Arsenic 10.18% in soluble condition. Inert Materials 89.82%."

Analysis of a specimen of the article in the United States Department of Agriculture showed that it contained less than 10.18 per cent metallic arsenic in soluble condition. Adulteration of the article was charged in the indictment in that its strength and purity fell below the professed standard and quality under which it was sold. Misbranding of the article, within the meaning of section 8 of the Insecticide Act of 1910, was charged in the indictment in that the statement, "Contains metallic arsenic 10.18% in soluble condition," printed on the package containing said insecticide, was false and misleading, in this, that the insecticide in said package did not contain 10.18 per cent of metallic arsenic in soluble condition, but did

contain a much less amount of metallic arsenic in soluble condition, to wit, 8.52 per cent metallic arsenic in soluble condition.

The cause coming on for trial on February 25, 1913, the defendant appeared and entered a plea of guilty to the indictment, whereupon the court imposed a fine of \$50 and costs.

B. T. GALLOWAY,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 29, 1913.*





# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

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### NOTICE OF INSECTICIDE ACT JUDGMENT NO. 27.

(Given pursuant to section 4 of the Insecticide Act of 1910.)

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#### MISBRANDING OF "TAROLA."

On February 28, 1913, the United States Attorney for the Eastern District of Pennsylvania, acting upon the report of the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Barrett Manufacturing Co., Philadelphia, Pa., a corporation, alleging the shipment and delivery for shipment, on April 14, 1911, from Philadelphia, in the State of Pennsylvania, to Augusta, in the State of Georgia, of a quantity of an insecticide called "Tarola" which was misbranded within the meaning of the Insecticide Act of 1910. The insecticide in question was labeled or branded as follows: "One Gallon Tarola. A Coal Tar Creosote Animal Wash and Disinfecting Fluid. Guaranteed by Barrett Manufacturing Co. under the Insecticide Act of 1910, Serial No. 52. Inert Matter (Water) 13%. Barrett Manufacturing Co., Chemical Department, Frankford, Philadelphia, Pa., Manufacturers of Coal Tar Products."

Analysis and examination of specimens of the insecticide in the United States Department of Agriculture showed that the contents of the cans containing said insecticide were less than one gallon. Misbranding of the insecticide, within the meaning of section 8 of the Insecticide Act of 1910, was charged in the information in that the label on the outside of the can containing said insecticide bore the statement, "One Gallon," which said statement was false and misleading in this, that it conveyed the thought and meaning that said can contained one gallon of said insecticide, whereas, in truth and in fact, the said can did not contain one gallon of said insecticide, but contained only 0.9346 of a gallon of said insecticide.

The cause coming on for trial on February 28, 1913, the defendant appeared and entered a plea of non vult contendere, and on the same day the court imposed a fine of \$5.

B. T. GALLOWAY,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 29, 1913.*



# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

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### NOTICE OF INSECTICIDE ACT JUDGMENT NO. 28.

(Given pursuant to section 4 of the Insecticide Act of 1910.)

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#### ADULTERATION AND MISBRANDING OF "NICO-FUME LIQUID."

On July 19, 1912, the United States Attorney for the Western District of Kentucky, acting upon the report of the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Kentucky Tobacco Product Co., Louisville, Ky., a corporation, alleging the shipment and delivery for shipment, on September 5, 1911, from Louisville, in the State of Kentucky, to Los Angeles, in the State of California, of a quantity of an insecticide designated "Nico Fume Liquid" which was adulterated and misbranded within the meaning of the Insecticide Act of 1910. The insecticide in question was labeled or branded as follows: "Nico-Fume' Liquid. A Nicotine Solution Consisting of Free Nicotine blended with Water. Active Ingredients, Nicotine 40% Inert Ingredients, 60%.  $\frac{1}{4}$  Pint 50¢. Original Package guaranteed to weigh not less than  $4\frac{1}{4}$  oz. net, and to contain not less than 743 grains of Nicotine."

Analysis of a specimen of the article in the United States Department of Agriculture showed that it contained less than 40 per cent of nicotine. Adulteration of the article, within the meaning of section 7 of the Insecticide Act of 1910, was charged in the information in that it was an insecticide other than Paris greens and lead arsenates and its strength fell below the professed standard of percentage of nicotine under which said insecticide was sold, in this, that the said insecticide did not contain 40 per cent of nicotine, as stated upon the label on the packages, but contained a much less percentage of nicotine than 40 per cent. Misbranding of the article, within the meaning of section 8 of the Insecticide Act of 1910, was charged in

the information, in that it was an insecticide other than Paris greens and lead arsenates, (1) and the aforesaid label and statement was false and misleading, in this, that the insecticide did not contain 40 per cent of nicotine, as stated upon the packages and labels, but contained a much less percentage of nicotine than 40 per cent; and the packages of the said insecticide were labeled or branded so as to deceive or mislead the purchaser thereof to believe that each of said packages contained 40 per cent of nicotine, whereas, in truth and in fact, each of said packages did not contain 40 per cent of nicotine, but contained much less than 40 per cent of nicotine; (2) and in that the aforesaid label and statement was false and misleading in this, that said insecticide consisted partially of inert substances which do not prevent, destroy, repel, or mitigate insects or fungi, and the labels on the packages did not name and state thereon plainly and correctly the percentage amounts of each and every inert ingredient in said insecticide, and there was no statement upon the said labels stating plainly the correct percentage amount of the ingredient in said insecticide, to wit, nicotine, which ingredient has insecticidal properties, and the said labels did not correctly state the total percentage of inert ingredients present in said insecticide.

The cause coming on for trial on March 4, 1913, the defendant appeared and entered a plea of guilty to the information, and on the same day the court imposed a fine of \$25 and costs.

B. T. GALLOWAY,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 29, 1913.*

Issued November 12, 1913.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF INSECTICIDE ACT JUDGMENT NO. 29.

(Given pursuant to section 4 of the Insecticide Act of 1910.)

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### MISBRANDING OF "PETERMAN'S ROACH FOOD."

On August 20, 1912, the United States Attorney for the District of Maryland, acting upon the report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 30 dozen packages, more or less, of an insecticide designated "Peterman's Roach Food," found upon the premises of the Calvert Drug Co., Baltimore, Md. The packages containing the said article were labeled, in part, "Peterman's Roach Food \* \* \* Fatal to Roaches, Waterbugs, and Beetles. \* \* \* Wm. Peterman, Wm. Peterman, Inc., Successors, Manufacturing Chemist, 54 West 13th St., Near 6th Ave., New York City, U. S. A."

Analysis and examination of a specimen of the article in the United States Department of Agriculture showed that the article consisted partially of inert substances, namely, wheat flour and small amounts of other substances, which do not prevent, destroy, repel, or mitigate insects. It was alleged in the libel that the article had been transported from the State of New York into the State of Maryland and remained unsold in original unbroken packages in the possession of the Calvert Drug Co., Baltimore, Md. Misbranding of the article was alleged in the libel, within the meaning of section 8 of the Insecticide Act of 1910, in that the product contained in said packages was an insecticide other than Paris green and lead arsenate, and because it consisted partially of certain inert substances, to wit, wheat flour and other substances which do not prevent, destroy, repel, or mitigate insects, without having the names and percentage amounts of each



and every one of such inert ingredients plainly and correctly stated upon the labels of said packages, and because, in lieu of so having stated upon said packages the names and percentage amounts of each and every inert ingredient, said labels failed to have plainly stated thereon the correct names and percentage amounts of each and every ingredient of said insecticide having insecticidal properties and the total percentage of inert ingredients present.

On October 28, 1912, the Calvert Drug Co., Baltimore, Md., filed an answer to the said libel claiming the said goods, admitting that the said goods were transported from the State of New York into the State of Maryland, and were in its possession unsold in the original unbroken packages in which the same had been shipped, as alleged, denying that the said article was misbranded as alleged, and answering that the article was a preparation for the destruction of roaches and similar insect vermin, not containing either Paris green or lead arsenate, but compounded of two classes of substances, both of which are equally necessary to the effective operation of said preparation, viz, a substance poisonous to such vermin when eaten by them or taken into their mouths or jaws, and a substance or substances of the nature of food or bait, attractive to such insects and necessary in such preparation to induce such insects to eat said preparation or take the same into their mouths or jaws, said substances being compounded in such proportions and incorporated together in such manner as to produce the effect of preventing, destroying, repelling, and mitigating such vermin, an effect which either of said substances or classes of substances would be incapable of producing separately and without being so compounded; and that said preparation contains no inert or inactive ingredients or substances, or any which are not necessary for the production of the effect for the accomplishment of which said preparation is made, designed, and sold, which is to prevent, destroy, repel, and mitigate roaches and similar insect pests.

On January 6, 1913, the United States Attorney filed exceptions to the said answer of the claimant because said answer did not deny that said article seized consists of wheat flour and small amounts of other substances and admitted that said wheat flour and said other substances are not of themselves poisonous to roaches and other such vermin when eaten by them and taken into their mouths or jaws, but, on the contrary, alleged that said wheat flour and said other substances are in the nature of a food or bait, attractive to said insects.

The cause coming on to be heard on March 14, 1913, upon the exceptions filed by the United States to the answer and claim of the Calvert Drug Co., and having been argued by counsel, a decree was entered, sustaining the exceptions filed by the United States, condemning the goods libeled and seized as misbranded within the meaning



of the Insecticide Act of 1910, and ordering the destruction of the same, provided that the said goods should be delivered to the claimants upon the payment of the costs of the proceedings, and upon the execution by the claimants of a good and sufficient bond to the United States conditioned that the said goods should not be sold or disposed of unless there should be plainly and correctly stated upon each of the packages containing the same, the names and percentage amounts of each and every inert ingredient contained in said roach food, or unless there should be plainly and correctly stated upon each of said packages, in lieu of the names and percentage amounts of each and every inert ingredient, the correct names and percentage amounts of each and every ingredient having insecticidal or fungicidal properties, and in addition thereto the total percentage of the inert ingredients present.

B. T. GALLOWAY,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 29, 1913.*



# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF INSECTICIDE ACT JUDGMENT NO. 30.

(Given pursuant to section 4 of the Insecticide Act of 1910.)

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### ADULTERATION AND MISBRANDING OF "FRENCH BORDEAUX MIXTURE."

On March 12, 1913, the United States Attorney for the Southern District of New York, acting upon the report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against Benjamin Hammond, Fishkill-on-Hudson, doing business under the name and style of Hammond's Paint & Slug Shot Works, alleging the shipment and delivery for shipment on April 7, 1911, from Fishkill-on-Hudson, in the State of New York, to Des Moines, in the State of Iowa, of a quantity of a certain fungicide designated "French Bordeaux Mixture" which was adulterated and misbranded within the meaning of the Insecticide Act of 1910. The article was labeled or branded: "Hammond's Paint & Slug Shot Works Established in 1875, 1 Gal. 10 lbs. 6 oz. net. French Bordeaux Mixture. Guaranteed under U. S. Insecticide Act of 1910. Serial Number 21. 'In Pulp.' Ready for immediate use by dilution, \* \* \*. The preparation is the normal formula, *with some 33 per cent. Copper Hydrate in the dried precipitate.* \* \* \*. Benjamin Hammond, Fishkill-on-Hudson, N. Y."

Analysis of a specimen of the article in the United States Department of Agriculture showed that it contained much less than 33 per cent of copper hydrate in the dried precipitate, namely, 18.84 per cent. Adulteration of the article, within the meaning of section 7 of the Insecticide Act of 1910, was alleged in the information in that it was sold under the professed standard and quality as being a preparation under the normal formula for French Bordeaux Mixture, containing 33 per cent of copper hydrate in the dried precipi-

tate, whereas said fungicide fell below the said professed standard and quality under which it was sold, in that a much smaller quantity of copper hydrate in the dried precipitate was present. Misbranding of the article, within the meaning of section 8 of the Insecticide Act of 1910, was alleged in the information in that it was labeled or branded so as to deceive or mislead the purchaser, in this, that the said label would indicate that the said fungicide contained 33 per cent of copper hydrate in the dried precipitate, whereas, in truth and in fact, the said fungicide contained less than 33 per cent of copper hydrate in the dried precipitate, and in fact contained only 18.84 per cent of copper hydrate in the dried precipitate.

The cause coming on for trial on March 17, 1913, the defendant appeared and entered a plea of guilty to the information and the court suspended sentence.

B. T. GALLOWAY,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 29, 1913.*